

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian Jones et al.      Examiner: Chen, Qing  
Serial No.: 10/731,899      Group Art Unit: 2191  
Filed: December 9, 2003      Docket No.: 60001.0182USII/MS303914.1  
Title: MECHANISM FOR DOWNLOADING SOFTWARE COMPONENTS FROM A  
REMOTE SOURCE FOR USE BY A LOCAL SOFTWARE APPLICATION

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THIRTY-EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Copies of the Japanese Office Action dated October 10, 2008 (Appl. No. 2004-037158) and Chinese Office Action dated October 17, 2008 (Appl. No. 03145242.6) are enclosed for the Examiner's information.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
404.954.5066

Date: December 24, 2008

/D. Kent Stier/

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D. Kent Stier  
Reg. No. 50,640

DKS:mdc

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PATENT TRADEMARK OFFICE